

### REMARKS

Claims 1-9 and 11-15 remain pending in the above-identified application and stand ready for further action on the merits.

#### *Claim Amendments*

By this amendment, claim 9 is amended in a manner consistent with the disclosure at page 20 and Figure 10 of the specification. No new matter is added by this amendment.

#### *Claim Rejection – 35 USC § 102(a)*

Claims 1-9 and 11-15 have been rejected under 35 USC § 102(a) as being anticipated by both Senba et al. US '249 (US 7,088,249) and its counterpart PCT publication WO 02/07078. Reconsideration and withdraw of this rejection is respectfully requested based on the following considerations.

Applicants note that the U.S. '249 patent should not be relied upon in support of the rejection under 35 USC § 102(a) as the patent did not itself publish prior to applicants' priority date.

The Examiner states at page 5 of the Action in support of the rejection that:

“... a new ground(s) of rejection is made in view of Senba et al [US 7,088,249] or WIPO [WO 02/07078 A1]. The WIPO [WO 02/07078 A1] filing date is 24 January 2002 is prior to the filing date of 17 June 2002 of the PCT/JP03/076078 which can be a rejection under 35 USC 102(a).”

The Examiner inadvertently states that the *filing date* of the PCT publication is January 24, 2002, which is instead the *publication date* of the reference. The Examiner also inadvertently

states that the filing date of applicants' *PCT application* is June 17, 2002, when in fact that is the filing date of applicants' *Japanese priority application*, with the filing date of applicants' PCT application instead being June 17, 2003.

In any event, it appears that the Examiner intends to rely on the PCT publication in support of the rejection (as it has a prior publication date), with the English language counterpart of same being the U.S. '249 reference.

With regard to the rejection, applicants' claimed invention is characterized by the presence of a core piece having an integrated circuit chip with an antenna coil integrally formed on one surface and fitted inside a recess of a core piece body, a non-metal spacer in which the core piece is fitted to a fitting part located in a center of the spacer to retain the core piece, and a metal weight which is placed and coupled so as to surround an outer periphery of the spacer, whereby the antenna coil and the metal weight are separated from each other via the spacer.

The '249 patent is silent with respect to a configuration wherein the contactless communication system information carrier has a core piece in which an integrated circuit chip with an antenna coil integrally formed on one surface is fitted inside a recess of a core piece body.

In this regard, the reference discloses "The RFID tag 1a is placed in the opening 7 of the housing portion 5, and directly placed on the bottom of plane 7a thereof, or the installation plane, of the opening 7, so as to align the axial direction thereof (lateral direction in FIGS. 3A to 3C) in parallel to such bottom plane 7a and so as to approximately come into contact therewith without interposed with a spacer or the like" (col. 11, lines 25-31 of US '249).

The cited prior art thus fails to teach or suggest applicants' invention comprising the requisite core piece having the IC chip fitted in a recess thereof, non-metal spacer in which the core piece is fitted, and metal weight which surrounds the periphery of the spacer.

It can be concluded, therefore, that the present invention is neither anticipated nor suggested by the cited prior art.

The rejection is thus without basis and should be withdrawn.

In view of the above, the application is in condition for allowance, and an early indication of same is earnestly solicited.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated:

Respectfully submitted,

By

  
John W. Bailey

Registration No.: 32,881

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant